

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

LEO F. SCHWEITZER, III,	:	
	:	
Petitioner	:	
	:	
v.	:	CIVIL NO. 3:CV-05-2042
	:	
UNITED STATES OF AMERICA, <u>ET AL.</u> ,	:	(Judge Kosik)
	:	
Respondents	:	
	:	

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Leo F. Schweitzer, III, an inmate currently confined at the Canaan United States Penitentiary, Waymart, Pennsylvania, filed this habeas corpus petition pursuant to 28 U.S.C. § 2241 on October 7, 2005. On November 7, 2005, Respondents were directed to answer the allegations in the petition within twenty (20) days. (Doc. 4.) A motion for extension of time to file a response was thereafter filed by Respondents on November 16, 2005. Respondents were granted an enlargement of time until December 12, 2005, to file their response. (Doc. 6.) A timely response and supplement thereto were submitted on December 12, 2005. (Doc. 14, 15.) A motion for default was filed by Petitioner on December 2, 2005 (Doc. 9) on the basis that Respondents had failed to timely respond to the petition. This motion was subsequently denied by court on the basis of the enlargement of time that had been granted. Presently pending is Petitioner's "Motion to Renew Motion for Default" (Doc. 17) filed on December 19,

2005. According to Petitioner, he has not received any response to his petition from Respondents.

A review of the docket sheet clearly reveals that Respondents have submitted a timely response to the petition in this matter. The response also attaches a certificate of service which reveals that the response and supplement thereto were served upon Petitioner at his present place of confinement. It is likely that by this time Petitioner has received his copy of the documents. However, in an abundance of caution, the court will direct Respondents to serve another copy of the documents on Petitioner. Petitioner will be afforded fifteen (15) days from service of the documents within which to file his traverse.

**ACCORDINGLY, THIS 4th DAY OF JANUARY, 2006, IT IS HEREBY ORDERED AS
FOLLOWS:**

1. Petitioner's "Renewal of Motion for Default" (Doc. 17) is **denied**.
2. Respondents are directed to reserve a copy of their response and supplement thereto on Petitioner.
3. Petitioner may file a traverse within fifteen (15) days from the service of the response and supplement thereto.

s/Edwin M. Kosik
United States District Judge